



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

FOR IMMEDIATE RELEASE

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EL PASO MAN INDICTED IN INTERNET FRAUD SCHEME

United States Attorney Johnny Sutton and Federal Bureau of Investigation Special Agent in Charge Ralph G. Diaz announced that a federal grand jury in El Paso returned a one-count indictment against Benjamin Keil Kole in connection with an internet merchandise scam.

The indictment, returned yesterday afternoon, charges Kole with wire fraud. The indictment alleges that from January 7, 2005 to January 13, 2005, Kole, using the name John Doggit, fraudulently advertised for sale through an internet website fifty (50) notebook computers. Ultimately, Kole received a wire transfer of \$25,000 from a Gadsden, Alabama, resident for the computers. The indictment further alleges that Kole was not in possession of the computers nor did he intend to deliver them to the buyer.

Upon conviction, Kole faces up to 20 years in federal prison and a maximum \$250,000 fine. Kole has remained in federal custody since his arrest on February 22, 2005.

This case was investigated by the West Texas Cyber Crime Task Force, which includes the Federal Bureau of Investigation, Department of Homeland Security, Drug Enforcement Administration, El Paso County Sheriff's Office, El Paso Police Department and the Texas Department of Public Safety. This case is being prosecuted by Assistant United States Attorney William Lewis.

An indictment is a formal accusation of criminal conduct, not evidence of guilt. The defendant is presumed innocent unless and until convicted through due process of law.

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